

# EXHIBIT A

## COMMONWEALTH OF VIRGINIA



### SUMMONS – CIVIL ACTION

RULE 3:5; VA. CODE § 8.01-2

Case No. CL22000764-00

ISLE OF WIGHT

Circuit Court

17000 JOSIAH PARKER CIRCLE, ISLE OF WIGHT 23397-

ADDRESS

TO:

PARTY CITY HOLDINGS, INC., PARTY CITY HOLDINGS, INC.

109 VOLVO PARKWAY

CHESAPEAKE, VA 23320-

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the clerk's office of this court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment or decree against such party either by default or after hearing evidence.

Appearance in person is not required by this summons.

Done in the name of the Commonwealth of Virginia.

JULY 29, 2022

DATE

TORRENCE, KATHLEEN S

Clerk

by /S/ HECKER, MEGAN

*Megan D. Hecker*  
DEPUTY CLERK

Instructions:

Hearing Official: .....

**IN THE CIRCUIT COURT FOR THE ISLE OF WIGHT COUNTY**

**BARBARA BROWN-OTIS**

**Plaintiff**

**v.**

**CASE NO. CL22-764**

**PARTY CITY HOLDINGS, INC.,**

**Defendant**

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Plaintiff, Barbara Brown-Otis, and by and through her attorney, JOEL C. CUNNINGHAM, JR., Cunningham Law Group, PC, and demands damages from the Defendant, PARTY CITY HOLDINGS, INC., and in support thereof states as follows in support of this lawsuit:

1. That the Plaintiff, Barbara Brown Otis, is an adult citizen of the State of Virginia and a resident of Isle of Wight County.
2. That the Defendant, PARTY CITY HOLDINGS, INC., hereinafter referred to as "Defendant" is a corporation doing business in Virginia, who owned and/or managed the premises known as Party City located at 109 Volvo Parkway, Chesapeake, Virginia 23320.
3. That on or about 9/10/2020, Plaintiff Barbara Brown Otis was shopping at Party City property on the premises located at 109 Volvo Parkway, Chesapeake, Virginia 23320 owned and managed by the Defendant, Party City Holdings, Inc. Plaintiff was retrieving items from the shelf turned around and tripped and fell over a store supply stocking cart/pallet in use by store management at the time of the incident. Immediately following the fall, the store manager, who observed the incident assisted plaintiff with her injuries while apologizing for placing the supply stocking cart/pallet in harm's way causing the injuries to plaintiff when she fell. There was no notice to plaintiff Barbara Brown-Otis and no open/obvious risk perceived by plaintiff Barbara Brown-Otis.

4. Solely as a result of the negligence by the manager, failure of the Defendant to properly clear all common areas, isles path of travel, specifically, supply stocking cart/pallet in Party City, Plaintiff sustained serious and severe injuries to her person, including, but not limited to, the following injuries: torn meniscus, contusions to her right leg; soreness pain in her back, neck; post-traumatic pain in leg, shoulders, and arms; anxiety; and other serious and severe personal injuries.
5. Solely as a result of the injuries aforementioned, the Plaintiff has incurred damages, including:
  1. Medical expenses;
  2. Lost wages;
  3. She has, may, and probably will for an indefinite time in the future suffer great pain, inconvenience, embarrassment, and mental anguish;
  4. She has, may, and probably will for an indefinite time in the future be deprived of ordinary pleasures of life, loss of well-being, and equanimity; and
  5. Her overall health, strength, and vitality have been greatly impaired.
6. The Plaintiff incorporates herein by reference hereto the allegations of paragraphs 1 through 6 above as if more fully set forth herein at length.
7. The aforesaid incident occurred as a result of and was proximately caused by the careless, negligent, grossly careless, and reckless conduct of the Defendant, Party City Holdings, Inc., which consisted inter alia of the following particulars:

#### **COUNT I**

#### **NEGLIGENCE OF THE DEFENDANT**

1. Failing to properly supervise the common areas in question so as to furnish to the Plaintiff, Barbara Brown Otis, a safe walking isle, free from hazards which were recognized or should have been recognized by Defendant, Party City Holdings, Inc, as causing or likely to cause the serious physical harm to the Plaintiff, Barbara Brown Otis;

2. Failing to maintain the above Party City Store in a safe condition to ensure that the Plaintiff would not be caused to trip and fall as a result of the supply stocking cart/pallet which existed and which were known and should have been known to the Defendant;
3. Failing to properly inspect the store, and store isles wherein the Plaintiff was caused to fall as a result of supply stocking cart/pallet;
4. Failing to maintain the premises owned by the Defendant in good and safe condition for the Plaintiff and others;
5. Failing otherwise to comply with the applicable laws and regulations of the State of Virginia and the applicable Federal laws and regulations;
6. Otherwise failing to exercise the degree of care required under the circumstances; and
7. Otherwise being negligent.
8. As a result of the aforesaid conduct and breach of care of the Defendant, Party City Holdings, Inc., Plaintiff sustained the injuries, losses, and damages which were more fully described above, without any negligence of the Plaintiff contributing thereto.

**WHEREFORE:** Plaintiff demands judgment against Defendant of an amount greater than \$250,000.00 to be determined at trial, plus costs, pre-judgment interest, post-judgment interest, and for any further relief that this Honorable Court deems appropriate.

Respectfully submitted,



**JOEL C. CUNNINGHAM, JR., ESQ (Bar#42241)**  
[joelcunninghamlaw@gmail.com](mailto:joelcunninghamlaw@gmail.com)  
CUNNINGHAM LAW GROUP, PC  
120 Edmunds Boulevard  
Halifax, Virginia  
Telephone: 434-476-6446

Return of Service

**BROWN-OTIS, BARBARA VS PARTY CITY HOLDINGS INC**

Court Case #: CL2200076400  
Paper Type: Summons  
Court Date:  
Sheriff Number: 22043905

**Name:** PARTY CITY HOLDINGS INC

**Address:** 109 VOLVO PARKWAY CHESAPEAKE VA

**Date Completed:** 08/04/2022 11:52 AM

**Type of Service:** Place of Business

**Note:** SERVED MANAGER ON DUTY ERIC ACHTERFELD

**Service Officer:** K Mayo

**For:** Jim O'Sullivan, Sheriff

